

Notice of Allowability

Application No.

10/030,249

Examiner

Karin M. Reichle

Applicant(s)

TABATA ET AL.

Art Unit

3761

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's communication of 7-19-10.
2. ☒ The allowed claim(s) is/are 26,48,49,51 and 53-55.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other Appendix A1.

Karin M. Reichle
Primary Examiner
Art Unit: 3761

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Tomoka Tanida on September 27, 2010.

3. The application has been amended as follows:

In the Specification,

in paragraph 178 filed 7-19-10, line 12: before "from", insert --spaced--.

In Claim 26 (Patent Claim 1),

after line 11, insert:

--each of said standing cuffs comprises a standing sheet having two layers and stretching members provided under tension to the standing sheet between said two layers, wherein

the standing sheet has a terminal proximal edge fixed directly to a corresponding one of the laterally extended portions of said liquid pervious sheet, said proximal edge defining a base line extending in a direction parallel to a longitudinal centerline of said disposable absorbent article,

said two layered standing sheet comprising a standing portion, a folding back portion, and a surface contacting portion, the standing portion extending, on the corresponding one of the

laterally extended portions, from the base line to the folding back portion in a lateral direction with respect to said base line toward the longitudinal centerline of said disposable absorbent article, the two layered sheet being folded back at the folding back portion, and the surface contacting portion extending, on the standing portion, from the folding back portion to a terminal distal edge in a lateral direction with respect to the longitudinal centerline toward the base line,

two or more of said stretching members provided to the standing sheet are arranged adjacent the distal edge of said surface-contacting portion such that said two or more members are closer to the distal edge than the folding back portion, said two or more stretching members being spaced apart from each other, the distal edge being an edge which is distal from the folding back portion,

at least one of said stretching members provided to the standing sheet is arranged in said standing portion at said base line such that said at least one stretching member is closer to the base line than the folding back portion,

at least one of said stretching members provided to the standing sheet is arranged adjacent the folding back portion such that it is closer to the folding back portion than to the distal edge and the base line,

during use of said disposable absorbent article, each of said standing cuffs is deformed by contractile force of said stretching members such that the standing portion extends in a substantially vertical direction relative to the corresponding one of the laterally extended portions and the base line and the surface-contacting portion pivots upwardly toward a corresponding one of the wearer's legs from the folding back portion but said distal edge remains laterally outwardly of the folding back portion,

portions of the standing portion located at respective front and back ends of the disposable absorbent article are directly fixed to the pervious sheet, and portions of the surface-contacting portion located at the respective front and back ends of the disposable absorbent article are directly fixed to the respective portions of the standing portion so that said standing and surface contacting portions overlie each other and are parallel to each other and the liquid pervious sheet, the front and back ends respectively extending in a direction substantially perpendicular to a longitudinal direction of the disposable absorbent article, and

the respective opposite sides of the disposable absorbent article extending further outward from the respective laterally extended portions. --;

delete lines 12-46.

In Claim 51 (Patent Claim 4),

lines 3 and 5: after "has", insert --a size of--.

In Claim 54(Patent Claim 6),

lines 3-4: change "wide width...portions" to --widest width portion and a narrowest width portion, the narrowest width portion including side portions for--;

lines 8-9: change "with said...overlap with" to --the widest width portion, but not overlap--.

4. Claims 26, 48-49, 51 and 53-55 are allowed.

Claims 1-25, 27-47, 50, 52 and 56-61 were previously cancelled.

Drawing sheets 3, 6-11, 14-17, 20-26 and 28 filed 5-18-2004, Sheet 4 filed 10-26-04, Sheets 5 and 27 filed 12-15-09 were previously approved. Sheet 1 filed 7-19-2010 and Sheets 2, 12, 13, 18 and 19 attached hereto as Appendix A1 are also now approved.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (571) 272-4936. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karin M. Reichle/
Primary Examiner, Art Unit 3761

September 28, 2010